

**REMARKS**

Reexamination and Reconsideration of the rejections and objections are requested. Upon entry of the Amendment claims 1-111 are in the application. The specification and claims have been amended. No new matter has been added.

***The Claim Objections***

The Examiner has objected to Claims 88 and 90 under 37 C.F.R. §1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner states:

Claims 88 and 90 are directed to properties of the resultant film and hence, do not further limit the process. (Paper No. 8, ¶ 1).

The objection is traversed for the following reasons. The process claims require forming "a biaxially stretched, heat shrinkable film." Furthermore, the properties of said are a result of both the particular composition of polymers chosen and the process conditions and steps to which the compositions are subjected. The film properties are therefore subject to variation dependent upon selection by either or both composition or other processing step variables and the claims are further limited may be seen by reference, e.g., to Claim 90 which specifies a resultant film having, e.g., shrinkage values at 90°C of at least 50% in both M.D. and T.D. direction whereas, the present Claim 86 has no such limitation. Therefore, an inventive process for making e.g., the inventive films disclosed in Example 2 is covered by both Claims 86 and 88, but not Claim 90. Whereas, an inventive process for making the inventive film of Example 5 is covered by Claim 90.

***The § 112 Rejections***

The specification has been amended on Pages 68-69 to provide the basis in the written description for Claim 31.

Claims 6, 29, 32, 40, 63, 85, 91, 93, 107, 108, 110 and 111 have all been amended.

These amendments are believed to address the Examiner's §112 rejections discussed in Paragraphs 3-5 and 7-11. While it is not believed that the original claims are necessarily indefinite under §112, the amendments do improve the claim language and are believed to overcome the §112 rejections.

For Claim 6, the amendment adopts language suggested by the Examiner.

The improper antecedent basis issues raised by the Examiner have been addressed by the above amendments.

Claim 23 has been amended to use language which mirrors that found in the parent claim.

Claim 29 now recites "film comprises a tube having an inner heat sealing layer comprising said blend" which language more closely follows traditional claim drafting practice and Claim 32 has also been amended to address a similar concern.

Claims 40, 91, 93 and 107 have been amended to replace parentheses with commas.

Claims 40 and 63 have also been amended to refer to a "blend of at least three copolymers," which language mirrors that found in the parent claim.

Claim 63 was amended to correct a typographical error by changing "third layers" to "fourth layers". The basis for this amendment may also been seen from the specification on Pages 77-78.

Claim 85 was also amended to correct an obvious typographical error by changing a period to a semi-colon.

Claims 93, 107, 108, 110 and 111 have all been amended to refer to "wt." percentages.

In Claim 110, the phrase "of said layer" was deleted to conform the claim style to that of Claim 111.

Claim 93 was further amended to indicate the basis for the weight percentage in several instances.

Claims 39, 76 and 83 were also rejected under 35 U.S.C. §112 for indefiniteness. The Examiner states:

Claims 39 and 76 recite the limitation "at lease one interpolymer comprises said first and second polymers" in lines 1-2 while Claim 83 recites "an interpolymer comprises both said first and second polymers" in lines 1-2. However, it is not clear from this limitation whether the film comprises an interpolymer or at least one interpolymer comprising said first and second polymers or what is meant to be encompassed by the limitation. (Emphasis Added) (Paper No. 8, ¶6)

The rejection is traversed. The present claim language clearly states and particularly points out the latter interpretation of the Examiner. It is noted that for the second possibility of the Examiner's either/or explanation, the Examiner uses language virtually identical to that expressed in the claim. It is respectfully submitted that the language chosen and expressed in the claim fulfills the requirements of §112. It is intended to claim "at least one interpolymer" and it should be noted that a single interpolymer may comprise both the first polymer and the second polymer, as taught in Applicant's specification. See e.g., Pages 19 and 24-25.

All of the above amendments and arguments are believed to overcome the objections and §112 rejections which are requested to be withdrawn.

Claims 13, 86 and 87 have also been amended to correct typographical errors.

***The §102 Rejection***

The Examiner has rejected 1-26, 28-39, 48/1, 50-61, 70-84, 86-90 and 92 under 35 U.S.C. §102(e) for anticipation by U.S. Patent No. 5,928,740 (Wilhoit, et al.).

After a lengthy paraphrasing of purported teachings of Wilhoit (Pages 9-10), the Examiner argues thusly:

Therefore, considering the film taught by Wilhoit, et al. comprises the same materials as the instantly claimed invention and is produced by the method as instantly claimed, the film would inherently have film properties, such as ram puncture force, puncture resistance, shrinkage, haze, etc., within the instantly claimed ranges. (Paper No. 8, ¶13, final paragraph).

The rejection is denied for the following reasons.

There is no identity of invention between the disclosure of Wilhoit and the instant claims.

The present invention requires selection of amounts and polymers in a film of specified properties. The limitations of the present claims have not been shown by the Examiner to have been taught by Wilhoit. These limitations reflect both the choice of many composition parameters and processing parameters. The burden is on the Examiner to make a *prima facie* case of anticipation to maintain a §102 rejection and that burden has not been met. Furthermore, the Official Action does not provide any analysis in support of the assertion of anticipation; it only expresses the conclusion that the claimed invention is inherent. "Inherency, however, may

not be established by probabilities or possibilities." See, *Ex parte Skinner*, 2 USPQ2d 1788, at 1789 (U.S.P.T.O. BOAI, 1987).

The Examiner's attention is directed to Examples 2, 3 and 5-7 of the invention and Comparative Examples 1 and 4. In all of the examples, biaxially stretched, heat shrinkable films are similarly made. All of these examples contain either 14 or 38 wt. % of EVA which corresponds to the third polymer of the claimed blends; blended with 14-25% of a polymer corresponding to the second polymer of the claimed blends and blended with a copolymer of ethylene and octene-1. For the examples of the invention, this C<sub>2</sub>C<sub>8</sub> copolymer has a melting point between 55 to 95°C; but for the Comparative Examples 1 and 4 this ethylene octene-1 copolymer has a melting point of 100°C which is outside the claimed range. This, while the '740 Wilhoit reference requires a three polymer blend and the present invention also requires a three polymer blend; the required blends are not the same. Removal of the required third polymer of the inventive blends of the example, i.e., EVA which is not required by the broad invention of Wilhoit '740 as defined in Claim 1 therein, leaves two polymers which cannot meet the requirement and teaching of Wilhoit '740 for the three polymers specified therein. Moreover, the disparity between the shrink property of the Comparative Examples 1 and 4 which have machine direction and transverse direction values all well under the required "of at least 45% in at least one of the machine direction or transverse direction" refutes the argument of inherency. Further attention is directed to Comparative Examples 8 and 9 which fail to achieve the required ram puncture force of at least 65 Newtons. It is further noted that the '740 reference is void of any mention of interpolymers as claimed in Claims 50, 75, 76, 82 and 83. The burden is on the Examiner to make a *prima facie* case which has not been made. It is submitted that the

comparative examples demonstrate the lack of inherency. The §102 rejection should be withdrawn.

*The §103 Rejection*

The Examiner has also rejected Claims 1-26, 28-39, 48/1, 50-61, 70-84, 86-90 and 92 under 35 U.S.C. §103(a) for obviousness citing as evidence the sole reference of U.S. Patent No. 5,928,740 (Wilhoit, et al.).

The Examiner admits that "Wilhoit, et al. do not limit the first and second ethylene copolymer having a melting point between 55 to 75°C and 85 and 110°C, respectively, to a copolymer of ethylene and ocetne-1..." but urges that the broad teachings of Wilhoit, et al. render obvious the invention presently claimed.

The Examiner further states:

...in the absence of a showing of unexpected results, it would have been obvious to one having ordinary skill in the art to select from the ethylene copolymers or terpolymers taught by Wilhoit, et al. optimizing the melting points of the polymers and the composition of the selected ethylene copolymers in the blend to provide the desired film properties for a particular end use." (Page No. 8, ¶15).

Claims 27, 40-47, 48/40, 49, 62-69, 85, 91 and 93-111 are also rejected by the Examiner under §103 citing Wilhoit, as above, the Examiner further says Wilhoit teaches blending, and multilayer films, but admits that Wilhoit, et al. do not teach "the layer combinations instantly claimed." Instead, the Examiner argues that such differences "in the absence of a showing of unexpected results," would have been obvious.

The above rejections are traversed for the following reasons.

It is well established that the Patent Office has the initial duty of supplying the factual basis for its rejection. See, *In re Warner & Warner*, 154 USPQ. 173 (CCPA, 1967).

Wilhoit, et al. is void of any reference to many claim limitations including, e.g., interpolymers and ram puncture force. Furthermore, nothing in the Wilhoit, et al. reference provides the motivation or suggestion for selecting the particular amounts and polymers to arrive at the invention claimed.

The present invention as broadly defined in Claim 1 not only achieves superior performance with respect to several combinations of film properties, but does so while omitting a required component of the Wilhoit, et al. reference, viz, either Wilhoit's first polymer having a melting point between 55 to 75°C comprising a copolymer of ethylene and at least one α-olefin or Wilhoit's second polymer having a melting point between 85 to 110°C comprising ethylene and at least one α-olefin. The present claims also specify narrow ranges of other polymers. It is unclear from what teachings of Wilhoit, et al. that the Examiner posits obviousness of presently claimed combinations. Assuming, arguendo, that the Examiner is urging that either the first or the second polymer of Wilhoit '740 teaches use of the first polymer specified in instant Claim 1, it is noted that the present invention requires use of a specific copolymer, viz, ethylene and octene-1 having a melting point between a specific range. This range overlaps, but varies, from the ranges specified in Wilhoit '740 for Wilhoit's first and second polymers.

Also, all three polymers exemplified by Wilhoit, et al. for use as their second polymer (See Col. 8, lines 1-3) fall outside the definition of the first polymer of instant Claim 1. Both Affinity PL 1840 and PL 1880 are ethylene octene copolymers which have melting points outside

the claimed ranges and Exact 3032 is an ethylene hexene-1 copolymer which is also outside the claimed melting point range.

It is also pointed out that Claim 2 of the instant invention limits the melting point of the claimed first polymer to "80 to 85°C," which is not only outside of the first polymer of the '740 Wilhoit reference, but only overlaps the second polymer of '740 Wilhoit, et al. by the endpoint temperature of 85°C. It is not seen how selection of the claimed polymer in combination with the other limitations of the instant claims can be said to be obvious, absent hindsight reconstruction. If anything, the reference would appear to teach away from the instant invention as claimed in Claim 2.

Also, neither polymers exemplified by Wilhoit, et al. for use as their first polymer (See Col. 7, lines 31-33) are copolymers of ethylene and octene-1 as required by the present invention. Also, assuming that the Examiner is positing the third polymer of Wilhoit, et al. as providing the basis for the second polymer as presently claimed, it is noted that Wilhoit, et al. provides an expansive list for their third polymer which may be LDPE, HDPE or a propylene copolymer as well as an ethylene α-olefin copolymer. It is also noted that the melting point range is similar, but not identical. Also, the present invention requires specific amounts of a specified third polymer.

The teachings of the selection of specific polymers having specific properties in defined ranges is not found in the Wilhoit, et al. reference. The presently claimed invention advantageously has a combination of properties not taught and not inherent in the films taught by Wilhoit, et al.

As noted by Applicant's specification, the present inventive films have excellent properties and combinations of properties relating to heat shrinkability, optical properties, puncture and abrasion resistance, flexibility and heat sealing properties. (See, Specification, Page 11).

Various embodiments of the present invention provide a biaxially stretched film having an improved combination of properties *e.g.*, especially high shrinkage values at 90°C in at least one of the machine direction (M.D.) or transverse direction (T.D.) of at least 40% (Claim 93) and at least 45% (Claims 1, 14 (both M.D. and T.D.) 50, 70 and 88) and at least 50% (claims 51 and 90 (both M.D. and T.D.); and desirably and especially high puncture resistance values such as maximum puncture forces of at least 65 Newtons (Claims 1, 70 and 88), at least 70 Newtons (Claim 94) and often at least 90 Newtons (Claims 53, 73 and 90) or higher (Claims 18, 19, 91 and 95). Additional advantageous and preferred embodiments of the invention include films which achieve: a hot water puncture resistance of at least 25 seconds at 95°C (Claim 90), preferably at least 40 seconds (Claims 44, 65 and 97) and most preferably at least 100 seconds (Claims 45, 66, 91 and 98); a hot water seal strength of at least 200 seconds at 95°C (Claims 46, 67, 91 and 99), preferably at least 300 seconds (Claims 47, 68 and 100); a tensile seal strength of at least 400 g/cm at 88°C (Claims 42, 64 and 93), preferably at least 600 g/cm (Claim 43); a total energy at maximum puncture force of at least 0.50 Joule (Claims 70 and 88) and often at least 0.60 – 0.80 Joule (Claims 15, 16 and 51) or higher (Claims 17, 58, 74 and 90); a ram puncture stress of at least 140 mPa (Claim 20) or preferably at least 200 (Claim 48); low temperature heat shrinkage value at 80°C in at least one of the M.D. and T.D. of at least 30% (Claims 10, 41) and often at least 35% (Claims 11, 54 and 72 (in both M.D. and T.D. Claims 12 and 55)) or higher

(Claims 13, 56 and 57); a haze value of less than 10% (Claims 9, 103); and/or a gloss value at 45° of at least 70 Hunter Units (Claim 103); and preferably combinations of one or more of these properties with the 90°C shrinkage value and/or ram puncture force or other properties noted above.

Various embodiments of the inventive blends utilize 25 to 45 or 50 wt. %, or 30 to 40 wt. % of a first polymer having a melting point of 55 to 95°C, which comprises a copolymer of ethylene and octene-1. These blends are capable of producing films having very good tear strength properties. Other preferred blend embodiments use 45 or 50 to 85 wt. % of this first polymer. These embodiments are capable of producing films having exceptionally high puncture resistance values, especially high maximum puncture forces and exceptionally high total energy absorption values.

The cited reference does not refer to maximum ram puncture force or certain other properties claimed by the present invention and the Examiner has failed to establish any suggestion to modify the teachings of Wilhoit, et al. to arrive at the films or process of the present invention.

It is further noted that the cited reference is void of any reference to interpolymers. Claims 38, 39, 50, 60, 75, 76, 82 and 83 all have claim limitations requiring interpolymers. It is submitted that in the absence of evidence, the Examiner has not established a *prima facie* case of obviousness.

Various embodiments of the present invention have exceptionally advantageous properties. These embodiments and their advantages are not taught by the reference. In particular, a preferred multilayer embodiment of the invention having at least four layers is well

suites for cook-in or post-cooking pasteurization processing and/or packaging and is claimed in Claims 40-47, 48/40, 49, 63-69 and 93-111.

The process for making the aforementioned film is also claimed in Claim 91.

The Examiner's attention is directed to the inventive films of Examples 81 and 82 which are particularly well suited for use as cook-in films and in very demanding post-cooking pasteurization applications. See e.g., Tables 10 and 11 and the discussion in the specification on Pages 70-79. The exceptionally good properties of the inventive films of Examples 81 and 82 are discussed on Page 76.

It is submitted that a *prima facie* case of obviousness has not been made, but if deemed made by the Examiner is nonetheless rebutted by the results demonstrated for the inventive films in the Examples 2, 3, 5-7, 10-25, 80-82 and 85-97 relative to the results for the Comparative Examples 1, 4, 8, 9, 83 and 84.

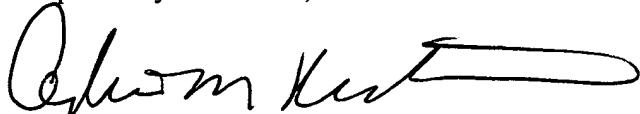
In view of the above amendments and arguments, reexamination and reconsideration of the rejections are requested, and allowance of all the claims is earnestly solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any fee required

In re: Tatarka, et al.  
Appl. No.: 09/431,931  
Filed: November 1, 1999  
Page 21 of 30

therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 502023.

Respectfully submitted,

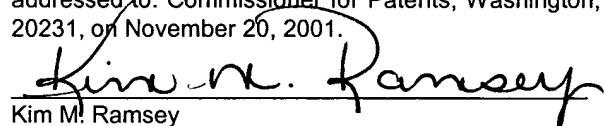


Cedric M. Richeson  
Registration No. 29,339

**BEMIS COMPANY, INC.**  
Patent And Trademark Department  
2200 Badger Avenue  
Oshkosh, WI 54904  
Telephone: 920-830-2642  
Facsimile: 920-830-2648  
Customer No. 30482

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on November 20, 2001.



Kim M. Ramsey



**Version with Markings to Show Changes Made:**

**In The Specification:**

In another aspect of the invention, one or more alternative layers having gas barrier properties may be incorporated into a multilayer film as either an intermediate or surface layer or both. For example, ethylene vinyl alcohol copolymer (EVOH), vinylidene chloride-methylacrylate copolymer, nylon such as nylon 6 or amorphous nylon, polyvinylidene chloride-vinyl chloride copolymer (pvdc), acrylonitriles [were] and other materials having oxygen barrier properties may be used in one or more layers such as the core layer. Blends of resins having gas barrier properties may also be used e.g. a blend of nylon with EVOH. Typical gas barrier films will have [a gas barrier layer having] an O<sub>2</sub> transmission of less than 15 cc/100 in<sup>2</sup> for 24 hrs. at 1 atm.. In various multilayer embodiments of the invention well known adhesive resins such as maleic anhydride modified EVAs or polyethylenes, or acrylic acid or methacrylic acid copolymers e.g. with ethylene may be used in addition to or in place of various polymers indicated above in intermediate or outer layers to adhere to adjacent layers. Use of such adhesives may be advantageous e.g. when layers containing polymers such as EVOH are to be bonded to ethylene polymer containing layers such as VLDPE.

**In The Claims:**

6. (Amended) A polymer film, as defined in claim 1, wherein said third polymer is selected from the group consisting of ethylene vinyl acetate copolymer, ethylene methylacrylate copolymer, ethylene butylacrylate copolymer, and ethylene ethylacrylate copolymer.

13. (Amended) A film, as defined in Claim 1, wherein said film has a shrinkage value at [90°C] 80°C of at least 45% in at least one of the machine and transverse directions.

28. (Amended) A film, as defined in claim 1, wherein said layer comprising a blend [containing layer] has been irradiatively crosslinked.

29. (Amended) A film, as defined in claim 1, wherein said [layer is the innermost heat sealable layer of a tube formed of said film] film forms a tube having an inner heat sealing layer comprising said blend.

32. (Amended) A film, as defined in Claim 26, wherein said film is a tubular multilayer film formed by coextrusion or coating lamination and said [blend comprises a] tubular film has an inner heat sealing layer [which is the innermost layer of said tube] comprising said blend.

40. (Twice Amended) A film, as defined in claim 27, wherein said film comprises:  
a first heat sealing surface layer comprising a polymer selected from the group consisting of: (a) at least 50% by weight of a copolymer of propene and at least one  $\alpha$ -olefin selected from the group consisting of ethylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a propene content of at least 60 wt. %, and (b) at least 50% by weight of a copolymer of ethylene and at least one  $\alpha$ -olefin selected from the group consisting of propylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a melting point of at least 105°C and a density of at least 0.900 g/cm<sup>3</sup>;

a second intermediate layer;  
a third core layer comprising at least 80% by weight, [(]based on said third layer's weight[)], of at least one copolymer of vinylidene chloride with from 2 to 20 weight percent, [(]based on said copolymer's weight[)], of vinyl chloride or methyl acrylate; and  
a fourth surface layer;

wherein at least one of said second and said fourth layers comprise [said three copolymer blend]  
a blend of at least three copolymers comprising:

25 to 85 weight percent of a first polymer having a melting point of 55 to 95°C comprising at least one copolymer of ethylene and octene-1;

5 to 35 weight percent of a second polymer having a melting point of 115 to 128°C comprising at least one copolymer of ethylene and at least one α-olefin; and

10 to 50 weight percent of a third polymer having a melting point of 60 to 110°C comprising at least one unmodified or anhydride-modified copolymer of ethylene and a vinyl ester, acrylic acid, methacrylic acid or an alkyl acrylate; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight percentage being based upon the total weight of said first, second and third polymers; and wherein said film has a shrinkage value at 90°C of at least 45% in at least one of the machine direction or transverse direction, and said film has a maximum ram puncture force of at least 65 Newtons; and said core layer is disposed between said second and said fourth layers.

63. (Twice Amended) A film, as defined in claim 51 or 52, wherein said film comprises:

a first heat sealing surface layer comprising a polymer selected from the group consisting of: (a) at least 50% by weight of a copolymer of propene and at least one α-olefin selected from the group consisting of ethylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a propene content of at least 60 wt. %, and (b) at least 50% by weight of a copolymer of ethylene and at least one α-olefin selected from the group consisting of propylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a melting point of at least 105°C and a density of at least 0.900 g/cm<sup>3</sup>;

a second intermediate layer;

a third core layer comprising at least 80% by weight, [(]based on said third layer's weight[)], of at least one copolymer of vinylidene chloride with from 2 to 20 weight percent, [(]based on said copolymer's weight[)], of vinyl chloride or methyl acrylate; and

a fourth surface layer;

wherein at least one of said second and said [third] fourth layers comprise said [three copolymer blend] blend of at least three copolymers, and said core layer is disposed between said second and said fourth layers.

85. (Amended) A flexible film, as defined in claim 84, wherein said film comprises:

a heat sealing surface layer comprising a polymer selected from the group consisting of: (a) at least 50% by weight of a copolymer of propene and at least one  $\alpha$ -olefin selected from the group consisting of ethylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a propene content of at least 60 wt. %, and (b) at least 50% by weight of a copolymer of ethylene and at least one  $\alpha$ -olefin selected from the group consisting of propylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a melting point of at least 105°C and a density of at least 0.900 g/cm<sup>3</sup>;

an intermediate layer;

a core layer;

an outer protective surface layer;

wherein at least one of said intermediate and said outer protective layers comprise a polymer blend of at least three copolymers comprising:

25 to 85 weight percent of a first polymer having a melting point of from 55 to 95°C comprising at least one copolymer of ethylene and octene-1;

5 to 35 weight percent of a second polymer having a melting point of from 115 to 128°C comprising at least one copolymer of ethylene and at least one  $\alpha$ -olefin; and

10 to 50 weight percent of a third polymer having a melting point of from 60 to 110°C comprising at least one unmodified or anhydride-modified copolymer of ethylene and a vinyl ester or an alkyl acrylate; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight percentage being based upon the total weight of said first, second and third polymers[.];

and said core layer is disposed between said intermediate and said outer protective layers.

86. (Amended) A process for making biaxially stretched, heat shrinkable film comprising: extruding a melt plastified primary tube comprising 25 to 85 weight percent of a first polymer having a melting point of from 55 to 95°C comprising at least one copolymer of ethylene and octene-1; 5 to 35 weight percent of a second polymer having a melting point of from 115 to 128°C comprising at least one copolymer of ethylene and at least one  $\alpha$ -olefin; and

10 to 50 weight percent of a third polymer having a melting point of from 60 to 110°C comprising at least one copolymer of ethylene and a vinyl ester or an alkyl acrylate; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight percentage being based upon the total weight of said first, second and third polymers;

cooling said primary tube;

reheating said cooled tube to a draw point temperature of from [68] 65 to 88°C; biaxially stretching said tube to a circumference of at least 2½ times the circumference of said primary tube, and cooling said biaxially stretched tube to form a biaxially stretched, heat shrinkable film.

87. (Amended) A process, as defined in claim 86, wherein said draw point temperature is of from [65] 68 to 79°C.

91. (Twice Amended) A process, as defined in claim 86, wherein a multilayer primary tube is made by coextrusion or coating lamination and said resultant biaxially stretched film comprises:

a heat sealing surface layer comprising a polymer selected from the group consisting of: (a) at least 50% by weight of a copolymer of propene and at least one  $\alpha$ -olefin selected from the group consisting of ethylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a propene content of at least 60 wt. %, and (b) at least 50% by weight of a copolymer of ethylene and at least one  $\alpha$ -olefin selected from the group consisting of propylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a melting point of at least 105°C and a density of at least 0.900 g/cm<sup>3</sup>;

an intermediate layer;

a core layer comprising at least 80% by weight, [(]based on said third layer's weight[)], of at least one copolymer of: EVOH; or vinylidene chloride with from 2 to 20 weight percent, [(]based on said copolymer's weight[)], of vinyl chloride or methyl acrylate; and

an outer protective surface layer;

wherein at least one of said intermediate and said outer protective layers comprise, a polymer blend of at least three copolymers comprising:

25 to 85 weight percent of a first polymer having a melting point of from 55 to 95°C comprising at least one copolymer of ethylene and octene-1;

5 to 35 weight percent of a second polymer having a melting point of from 115 to 128°C comprising at least one copolymer of ethylene and at least one  $\alpha$ -olefin; and

10 to 50 weight percent of a third polymer having a melting point of from 60 to 110°C comprising at least one copolymer of ethylene and a vinyl ester or an alkyl acrylate; wherein said first and second polymers have a combined weight percentage of at least 50 weight percent, said weight

percentage being based upon the total weight of said first, second and third polymers, and said core layer is disposed between said intermediate and said outer protective layers, and said film has a maximum ram puncture force of at least 100 Newtons, a hot water puncture resistance of at least 100 seconds at 95°C and a hot water seal strength of at least 200 seconds at 95°C.

93. (Amended) A biaxially stretched, heat shrinkable, multilayer film useful for food processing and packaging having at least four layers comprising:

a first heat sealing surface layer comprising a polymer or blend of polymers selected from the group consisting of: (a) at least 50% by weight of a copolymer of propene and at least one  $\alpha$ -olefin selected from the group consisting of ethylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a propene content of at least 60 wt. %, and (b) at least 50% by weight of a copolymer of ethylene and at least one  $\alpha$ -olefin selected from the group consisting of propylene, butene-1, methylpentene-1, hexene-1, octene-1 and mixtures thereof having a melting point of at least 105°C and a density of at least 0.900 g/cm<sup>3</sup>;

a second polymeric layer comprising a blend of (a) from 25 to 85 wt. % of a first polymer having a melting point of 55 to 95°C comprising a copolymer of ethylene and octene-1; (b) from 5 to 35 wt. % of a second polymer having a melting point of 115°C to 128°C comprising a copolymer of ethylene and at least one C<sub>4</sub>-C<sub>8</sub>  $\alpha$ -olefin; and (c) from 10 to 50 wt. % of a third polymer having a vinyl ester melting point of 60 to 110°C comprising a copolymer of ethylene with a vinyl ester, [(]preferably 4 to 18% by weight of said copolymer[)], acrylic acid, methacrylic acid, or alkyl acrylate, [(]preferably 4 to 30% alkyl acrylate by weight of said copolymer[)], wherein said first and second copolymers have a combined weight percentage of at least 50 weight percent, said weight percent being based upon the total weight of said first, second and third polymers;

a third layer comprising at least 80% by weight, [(]based on said third layer's weight[)], of EVOH or at least one copolymer of vinylidene chloride with from 2 to 20 weight percent, [(]based on said copolymer's weight[)], of vinyl chloride or methyl acrylate; and

a fourth polymeric layer comprising (a) from 10 to 85 wt. % of a first copolymer of ethylene and at least one C<sub>3</sub>-C<sub>8</sub> α-olefin, said first copolymer having a melting point of 55 to 98°C, (b) from 5 to 60 wt. % of a second copolymer of ethylene and at least one C<sub>4</sub>-C<sub>8</sub> α-olefin, said second copolymer having a melting point of 115°C to 128°C, and (c) from 0 to 50 wt. % of a third copolymer having a melting point of 60 to 110°C of ethylene with a vinyl ester, [(]preferably 4 to [18%),] 18 wt. % of vinyl ester based on the weight of said third copolymer, acrylic acid, [(]preferably 4 to [30%),] 30 wt. % of acrylic acid based on the weight of said third copolymer, methacrylic acid, or alkyl acrylate , wherein said first and second copolymers have a combined weight percentage of at least 50 weight percent, said weight percent being based upon the total weight of said layer; and

wherein said film has a shrinkage value at 90°C of at least 40% in at least one of the machine and transverse directions, and said film has a tensile seal strength of at least 400 g/cm at 88°C.

107. (Amended) A film, as defined in claim 93, wherein said third copolymer of both said second and fourth layers comprises 4 to 18 %, [(]by weight of said copolymer[)], of a vinyl ester or 4 to 30 wt. % of an alkyl acrylate.

108. (Amended) A film, as defined in claim 93, wherein in said fourth polymeric layer comprises a blend of: (a) from 25 to 85 wt. % of a first polymer having a melting point of 55 to 95°C comprising a copolymer of ethylene and octene-1; (b) from 5 to 35 wt. % of a second polymer having a melting point of 115°C to 128°C comprising a copolymer of ethylene and at least one C<sub>4</sub>-C<sub>8</sub> α-olefin; and (c) from 10 to 50 wt. % of a third polymer having a melting point of 60 to 110°C comprising a copolymer of ethylene with a vinyl ester, acrylic acid, methacrylic acid, or alkyl acrylate, wherein said first and

second copolymers have a combined weight percentage of at least 50 weight percent, said weight percent being based upon the total weight of said first, second and third polymers.

110. (Amended) A film, as defined in Claim 93, wherein said copolymer of ethylene and octene-1 is present in an amount of 50 to 85 wt. % [of said layer].

111. (Amended) A film, as defined in Claim 93, wherein said copolymer of ethylene and octene-1 is present in an amount of 25 to 50 wt. %.